

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

ANTHONY FRANCHI, Individually and
On Behalf of All Others Similarly
Situated,

Plaintiff,

v.

CEMPRA, INC., CASTLE
ACQUISITION CORP., GARHENG
KONG, DAVID ZACCARDELLI,
RICHARD KENT, DAVID GILL, DOV
A. GOLDSTEIN, JOHN H. JOHNSON,
P. SHERRILL NEFF, MICHAEL
DOUGHERTY, and MELINTA
THERAPEUTICS, INC.,

Defendants.

Case No. 1-17-cv-00898

NOTICE OF DISMISSAL

WHEREAS, plaintiff Anthony Franchi (“Plaintiff”) filed the above-captioned action (the “Action”) challenging the public disclosures made in connection with the proposed acquisition of Cempra, Inc.. (“Cempra”) by Melinta Therapeutics, Inc. pursuant to a definitive agreement and plan of merger filed with the United States Securities and Exchange Commission (“SEC”) on or around August 10, 2017;

WHEREAS, the Action asserted claims for violations of sections 14(a) and 20(a) of the Securities Exchange Act of 1934 in connection with the Company’s proxy statement (the “Proxy Statement”) filed with the SEC on or around September 7, 2017;

WHEREAS, on October 5, 2017, the Company filed a definitive proxy statement on Schedule 14A and on October 24, 2017, the Company filed a supplement to the Definitive Proxy on Form 8-K with the SEC, each containing additional disclosures regarding the proposed transaction that addressed and mooted claims regarding the sufficiency of the disclosures in the

Proxy Statement (the “Supplemental Disclosures”);

WHEREAS, the parties have negotiated and reached agreement on a payment of attorneys’ fees and expenses to counsel for Plaintiff to resolve their claim for mootness fees and expenses related to the dissemination of the Supplemental Disclosures;

NOW, THEREFORE, notice is hereby given that pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, Plaintiff voluntarily dismisses his individual claims in the above action with prejudice, and voluntarily dismisses the putative class allegations without prejudice in the above-titled action against Defendants as moot. This notice of dismissal is being filed with the Court before service by Defendants of either an answer or a motion for summary judgment.

Dated: February 13, 2018.

**HENDREN REDWINE & MALONE
PLLC**

OF COUNSEL:

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